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CHARLES ELMORE

IN THE

Supreme Court of the United States

OCTOBER TERM, 1950

No. 557

UNITED STATES OF AMERICA,
Petitioner,

v.

MICHAEL OBERMEIER.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

RESPONDENT'S BRIEF IN OPPOSITION TO THE GOVERNMENT'S PETITION FOR A WRIT OF CERTIORARI

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I

The opinion below of the Court of Appeals has now been reported at 186 F. (2d) 243.

II

As we have pointed out in our petition for certiorari in case No. 505 (at pp. 8-9), the opinion of the Court of Appeals suggests that that Court was not entirely free from doubt in its affirmance of Obermeier's conviction upon count three of the indictment. It indicated no such doubt, however, in its reversal of his conviction upon counts one and two, from which reversal the Government is seeking cer-

tiorari herein. We believe that the reasons given by the Court of Appeals for holding that Obermeier's prosecution upon counts one and two was barred by limitations and for reversing his conviction upon those counts effectively dispose of that branch of the case and conclusively answer every argument advanced by the Government in support of its petition herein.

The only doubtful question, as the Court of Appeals made clear, is whether Obermeier's conviction upon count three should be sustained; and that is the question presented by Obermeier's petition for certiorari in case No. 505.

III

It is respectfully submitted that the Government's petition for certiorari herein should be denied.

Respectfully submitted,

SIDNEY E. COHN,
PAUL O'DWYER,
Attorneys for Respondent.